

Stephen M. Doniger (SBN 179314)
stephen@donigerlawfirm.com
Scott Alan Burroughs (SBN 235718)
scott@donigerlawfirm.com
David R. Shein (SBN 230870)
david@donigerlawfirm.com
DONIGER / BURROUGHS
603 Rose Avenue
Venice, California 90291
Telephone: (310) 590-1820

Attorneys for Plaintiff NickerStickers, Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

NICKERSTICKERS, INC., a
Washington Corporation;

Plaintiff,

v.

TEESPRING, INC., a Delaware
Corporation; and DOES 1-10;

Defendants.

Case No.:

PLAINTIFFS' COMPLAINT FOR:

1. COPYRIGHT
INFRINGEMENT; AND
2. VICARIOUS AND/OR
CONTRIBUTORY
COPYRIGHT
INFRINGEMENT

Jury Trial Demanded

Plaintiff NICKERSTICKERS, INC., by and through its undersigned attorneys,
hereby prays to this honorable Court for relief based on the following:

INTRODUCTION

Plaintiff, a corporation organized and existing under the laws of the State of
Washington, is an art production company that specializes in creating and selling high
quality vinyl decals bearing Plaintiff's original designs of horses, dogs, cats, farm

1 animals, and other small pets. Plaintiff's unique and imaginative works have been
2 misappropriated and incorporated into unauthorized apparel and consumer goods,
3 which items are then marketed and sold to the public via Defendant Teespring Inc.'s
4 website, www.teespring.com (the "Teespring Website"). Despite Plaintiff
5 continuously reporting these acts of infringement to Defendant, Plaintiff's rights
6 continue to be violated. This action is brought to address the widespread and ongoing
7 infringement of Plaintiff's rights in and to its original artworks.

8 **JURISDICTION AND VENUE**

9
10 1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., §§ 101
11 *et seq.*

12
13 2. This Court has federal question jurisdiction under 28 U.S.C. §§ 1331 and
14 1338 (a) and (b).

15 3. This Court has personal jurisdiction over Defendant Teespring, Inc. because
16 Defendant has its principal place of business located in California.

17 4. Venue in this judicial district is proper under 28 U.S.C. §§ 1391(c) and
18 1400(a) in that this is the judicial district in which Defendant can be found.

19 **PARTIES**

20
21 5. Plaintiff NICKERSTICKERS, INC. ("Plaintiff" or "NickerStickers") is a
22 corporation organized and existing under the laws of the State of Washington with its
23 principal place of business located at 9138 Autumn Line Loop SE, Olympia,
24 Washington 98513.

25 6. Plaintiff is informed and believes and thereon alleges that Defendant
26 TEESPRING, INC. ("Teespring" or "Defendant") is a corporation organized and
27 existing under the laws of the State of Delaware with its principal place of business
28 located at 77 Geary Street, 5th Floor, San Francisco, California 94108.

7. Plaintiff is informed and believes and thereon alleges that some of the
Defendant Does 1 through 10, inclusive, are screen printers, manufacturers and/or

1 vendors of garments and consumer goods to Defendant, which Doe Defendants have
2 printed, manufactured and/or supplied and are manufacturing and/or supplying
3 garments comprised of fabric and other consumer goods incorporating Plaintiff's
4 copyrighted designs (as hereinafter defined), without Plaintiff's knowledge or consent,
5 or, alternatively, have contributed to said infringement. The true names, whether
6 corporate, individual or otherwise of Defendant Does 1-10, inclusive, are presently
7 unknown to Plaintiff, who therefore sues said Defendants by such fictitious names and
8 will seek leave to amend this complaint to show their true names and capacities when
9 the same have been ascertained.
10

11
12 8. Plaintiff is informed and believes and thereon alleges that at all times
13 relevant hereto each of the Defendants was the agent, affiliate, officer, director,
14 manager, principal, alter-ego, and/or employee of the remaining Defendants and was
15 at all times acting within the scope of such agency, affiliation, alter-ego relationship
16 and/or employment; and actively participated in or subsequently ratified and adopted,
17 or both, each and all of the acts or conduct alleged, with full knowledge of all the facts
18 and circumstances, including, but not limited to, full knowledge of each and every
19 violation of Plaintiff's rights and the damages to Plaintiff proximately caused thereby.
20

21 **CLAIMS RELATED TO THE ARTWORK**

22 9. Prior to the conduct complained of herein, Plaintiff composed twenty-six
23 original artworks for use in various industries, including the apparel and consumer
24 goods industries. **Exhibit A** consists of exemplars of Plaintiff's artworks (hereinafter
25 "Subject Artworks") along with a comparison image of the Teespring Website's
26 infringing copy. The Subject Artworks are creations of Plaintiff and are, and at all
27 relevant times were, owned in exclusivity by Plaintiff.
28

10. Plaintiff has obtained United States copyright registrations covering the
Subject Artworks.

1 11. Prior to the acts complained of herein, Plaintiff marketed and sold product
2 incorporating the Subject Artworks in the apparel and consumer goods industries.

3 12. Following this distribution of product bearing the Subject Artworks,
4 Plaintiff's individual investigation revealed that Teespring had misappropriated the
5 Subject Artworks, and was selling garments and other products, including without
6 limitation mugs, tote bags, stickers, wall art, pillows, and cell phone cases bearing
7 illegal reproductions and/or derivations of the Subject Artworks ("Infringing
8 Product").
9

10 13. Plaintiff is informed and believes and thereon alleges that, without her
11 authorization, Teespring and others, including certain Doe Defendants, created, sold,
12 manufactured, caused to be manufactured, imported and/or distributed Infringing
13 Product that bears artwork identical to or substantially similar to the Subject Artworks.
14 Such Infringing Product includes, but is not limited to the garments and other
15 consumer goods set forth *infra*.
16

17 14. It is apparent from the side-by-side comparisons of the Subject Artworks
18 and the Infringing Products that the elements, composition, colors, arrangement, and
19 appearance of the designs are substantially and/or strikingly similar. See Exhibit A
20 for comparisons of Plaintiff's Subject Artworks and the Infringing Product as offered
21 on the Teespring Website.
22

23 **COPYRIGHT REGISTRATIONS**

24 15. NickerStickers is the owner of U.S. Copyright Registration No. VA 1-930-
25 264 for the work entitled "American Paint Horse Vector Art DC487" with an effective
26 date of August 8, 2014.
27

28 16. NickerStickers is the owner of U.S. Copyright Registration No. VA-1-935-
897 for the work entitled "Australian Shepherd Vector Art DC708" with an effective
date of September 22, 2014.

1 17. NickerStickers is the owner of U.S. Copyright Registration No. VA 1-936-
2 843 for the work entitled “Beagle Dog Vector Art DC311” with an effective date of
3 October 29, 2014.
4

5 18. NickerStickers is the owner of U.S. Copyright Registration No. VA 1-963-
6 313 for the work entitled “Black & White Cat Vector Art DC402” with an effective
7 date of May 13, 2015.

8 19. NickerStickers is the owner of U.S. Copyright Registration No. VA 1-960-
9 915 for the work entitled “Bloodhound Vector Art DC757” with an effective date of
10 May 13, 2015.
11

12 20. NickerStickers is the owner of U.S. Copyright Registration No. VA 2-091-
13 020 for the work entitled “Bluegrass Banjo Donkey” with an effective date of July 19,
14 2017.

15 21. NickerStickers is the owner of U.S. Copyright Registration No. VA 1-935-
16 899 for the work entitled “Border Collie Head Vector Art DC857” with an effective
17 date of September 22, 2014.
18

19 22. NickerStickers is the owner of U.S. Copyright Registration No. VA 2-091-
20 240 for the work entitled “Border Collie Sitting Vector Art DC138” with an effective
21 date of February 2, 2018.

22 23. NickerStickers is the owner of U.S. Copyright Registration No. VA 1-935-
23 898 for the work entitled “Border Collie Vector Art DC470” with an effective date of
24 September 22, 2014.
25

26 24. NickerStickers is the owner of U.S. Copyright Registration No. VA 1-961-
27 466 for the work entitled “Dachshund Longhaired Vector Art DC338” with an
28 effective date of May 13, 2015.

 25. NickerStickers is the owner of U.S. Copyright Registration No. VA 1-961-
467 for the work entitled “Dachshund Sitting Smooth Vector Art DC337” with an
effective date of May 13, 2015.

1 26. NickerStickers is the owner of U.S. Copyright Registration No. VA 1-930-
2 247 for the work entitled “English Mastiff Vector Art DC363” with an effective date
3 of June 24, 2014.
4

5 27. NickerStickers is the owner of U.S. Copyright Registration No. VA 2-004-
6 847 for the work entitled “German Shepherd Dog Head Vector Art DC917” with an
7 effective date of April 11, 2016.

8 28. NickerStickers is the owner of U.S. Copyright Registration No. VA 2-004-
9 848 for the work entitled “German Shepherd Dog Vector Art DC345” with an effective
10 date of April 11, 2016.
11

12 29. NickerStickers is the owner of U.S. Copyright Registration No. VA 1-930-
13 265 for the work entitled “Goldendoodle Head Vector Art DC840” with an effective
14 date of August 8, 2014.

15 30. NickerStickers is the owner of U.S. Copyright Registration No. VA 1-931-
16 005 for the work entitled “Goldendoodle Vector Art DC777” with an effective date of
17 August 8, 2014.
18

19 31. NickerStickers is the owner of U.S. Copyright Registration No. VA 2-004-
20 843 for the work entitled “Havanese Dog Vector Art DC353” with an effective date
21 of April 11, 2016.

22 32. NickerStickers is the owner of U.S. Copyright Registration No. VA 1-930-
23 268 for the work entitled “Horse Head Horse Shoe Vector Art DC719” with an
24 effective date of August 8, 2014.
25

26 33. NickerStickers is the owner of U.S. Copyright Registration No. VA 2-084-
27 166 for the work entitled “Labrador Retriever Dog Vector Art DC359” with an
28 effective date of October 2, 2017.

 34. NickerStickers is the owner of U.S. Copyright Registration No. VA 1-935-
901 for the work entitled “Old English Sheepdog Vector Art DC955” with an effective
date of September 22, 2014.

1 35. NickerStickers is the owner of U.S. Copyright Registration No. VA 1-935-
2 903 for the work entitled “Poodle Sitting Vector Art DC954” with an effective date of
3 September 22, 2014.
4

5 36. NickerStickers is the owner of U.S. Copyright Registration No. VA 2-085-
6 096 for the work entitled “Quarter Horse Vector Art DC740” with an effective date of
7 November 28, 2017.

8 37. NickerStickers is the owner of U.S. Copyright Registration No. VA 1-935-
9 894 for the work entitled “Saint Bernard Vector Art DC377” with an effective date of
10 September 23, 2014.
11

12 38. NickerStickers is the owner of U.S. Copyright Registration No. VA 1-930-
13 263 for the work entitled “Shih Tzu Vector Art DC651” with an effective date of June
14 24, 2014.

15 39. NickerStickers is the owner of U.S. Copyright Registration No. VA 1-936-
16 193 for the work entitled “Siberian Husky Vector Art DC386” with an effective date
17 of September 23, 2014.
18

19 40. NickerStickers is the owner of U.S. Copyright Registration No. VA 1-936-
20 193 for the work entitled “Siberian Husky Vector Art DC386” with an effective date
21 of September 23, 2014.

22 41. NickerStickers is the owner of U.S. Copyright Registration No. VA 1-930-
23 244 for the work entitled “Smiling Pit Bull Vector Art DC281” with an effective date
24 of September 23, 2014.
25

26 **FIRST CLAIM FOR RELIEF**

27 (For Copyright Infringement – Against All Defendants, and Each)

28 42. Plaintiff repeats, realleges, and incorporates herein by reference as though
fully set forth, the allegations contained in Paragraphs 1 through 41 of this Complaint.

1 43. The exemplars pictured in Exhibit A annexed to this Complaint are non-
2 inclusive, and allegations and claims made herein are made as to any and all uses,
3 exploitations, and product that incorporate or bear the Subject Artworks.
4

5 44. Plaintiff is informed and believes and thereon alleges that Defendants, and
6 each of them, had access to the Subject Artworks including, without limitation,
7 through access to (a) Plaintiff's web pages on other "print-to-order" websites,
8 including without limitation Amazon.com; (b) Plaintiff's website and/or design
9 libraries; and/or (c) products manufactured and sold to the public bearing artwork
10 lawfully printed with the Subject Artwork by Plaintiff for its customers. Access is also
11 established by the striking similarity between Plaintiff's Subject Artwork and the
12 corresponding artwork on Defendants', and each of their, Infringing Product.
13

14 45. Plaintiff is informed and believes and thereon alleges that one or more of the
15 Defendants manufactures and screen prints apparel and/or consumer goods. Plaintiff
16 is further informed and believes and thereon alleges that said Defendant(s) has an
17 ongoing business relationship with Defendant retailers, and each of them, and supplied
18 garments and other consumer goods to said retailers, which garments and other goods
19 infringed the Subject Artworks in that said goods featured unauthorized print design(s)
20 that were identical or substantially similar to the Subject Artworks, or were an illegal
21 derivation or modification thereof.
22

23 46. Plaintiff is informed and believes and thereon alleges that Defendants, and
24 each of them, willfully and/or knowingly infringed Plaintiff's copyrights by creating,
25 making, and/or developing directly infringing and/or derivative works from the
26 Subject Artworks and by producing, distributing and/or selling garments and
27 consumer goods which infringe the Subject Artworks through the Teespring Website.
28

 47. Due to Defendants' acts of infringement, Plaintiff has suffered substantial
damages to her business in an amount to be established at trial.

1 had the right and ability to supervise the infringing conduct and because they had a
2 direct financial interest in the infringing conduct.

3
4 54. By reason of the Defendants', and each of their, acts of contributory and
5 vicarious infringement as alleged above, Plaintiff has suffered and will continue to
6 suffer substantial damages to her businesses in an amount to be established at trial, as
7 well as additional general and special damages in an amount to be established at trial.

8 55. Due to Defendants', and each of their acts of copyright infringement as
9 alleged herein, Defendants, and each of them, have obtained direct and indirect profits
10 they would not otherwise have realized but for their infringement of the Subject
11 Artworks. As such, Plaintiff is entitled to disgorgement of Defendants' profits directly
12 and indirectly attributable to Defendants' infringement of Plaintiff's rights in the
13 Subject Artworks, in an amount to be established at trial.
14

15
16 **PRAYER FOR RELIEF**

17 Wherefore, Plaintiff prays for judgment as follows:

18 **Against All Defendants**

19 **With Respect to Each Claim for Relief**

- 20
21 a. That Defendants, their agents and employees be enjoined from infringing
22 Plaintiff's copyrights in any manner, specifically those for the Subject
23 Artworks;
24
25 b. That Defendants be required to destroy any and all copies, duplicates
26 and/or reproductions of the Subject Artwork in their possession and to
27 remove such copies from any computer servers in their custody and/or
28 possession;
c. That Plaintiff be awarded all profits of Defendants plus all losses of
Plaintiff, plus any other monetary advantage gained by the Defendants
through their infringement, the exact sum to be proven at the time of trial,

1 or, if elected before final judgment, statutory damages as available under
2 the Copyright Act, 17 U.S.C. § 101 *et seq.*;

3
4 d. That Plaintiff be awarded its attorneys' fees as available under the
5 Copyright Act, 17 U.S.C. § 101 *et seq.*

6 e. That Plaintiff be awarded pre-judgment interest as allowed by law;

7 f. That Plaintiff be awarded such further legal and equitable relief as the
8 Court deems proper.
9

10 PLAINTIFF DEMANDS A JURY TRIAL ON ALL ISSUES SO TRIABLE
11 PURSUANT TO FED. R. CIV. P. 38 AND THE 7TH AMENDMENT TO THE
12 UNITED STATES CONSTITUTION.
13

14 Respectfully submitted

15
16 Dated: February 24, 2020

17 By: /s/ Scott Alan Burroughs
18 Scott Alan Burroughs, Esq.
19 DONIGER / BURROUGHS
20 Attorneys for Plaintiff
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